

REMARKS

By this amendment, claim 38 is amended and new claims 49 and 50 are added.

Claims 1-26, 28-30 and 36 have been previously cancelled. Currently, claims 27, 31-35 and 37-48 are pending in the application, of which claims 27, 33 and 39 are independent. Applicant respectfully submits that the above amendments do not add new matter to the application and are fully supported by the specification.

Entry of this Amendment is respectfully requested because it places the present application in condition for allowance, or in the alternative, better form for appeal. In view of the above Amendments and the following Remarks, Applicant respectfully requests reconsideration and withdrawal of the objections and rejections for the reasons discussed below.

Allowed/Allowable Claims

Applicant appreciates the indication that claims 33-35 and 39-48 are allowed. While Applicant agrees these claims are patentable over the cited references, Applicant does not agree that patentability resides in each feature exactly as expressed in the claims, nor that each feature is required for patentability of each claim.

Rejection of Claims under 35 U.S.C. §112, Second Paragraph

Claim 38 stands rejected under 35 U.S.C. §112, second paragraph for insufficient antecedent basis. Applicant respectfully traverses this rejection because, in this response, claim 38 is amended to address this issue. Accordingly, Applicant

respectfully requests withdrawal of the 35 U.S.C. §112, second paragraph rejection of claim 38.

This amendment is not made for the purpose of avoiding prior art or narrowing the claimed invention, and no change in claim scope is intended. Therefore, Applicant does not intend to relinquish any subject matter by this amendment.

Rejection of Claims under 35 U.S.C. §102

Claims 27, 31, 32 and 37 stand rejected under 35 U.S.C. §102(b) as being anticipated by U. S. Patent Publication No. 2004/075798 issued to Inoue, et al. ("Inoue"). Applicant respectfully traverses this rejection for at least the following reasons.

Independent claim 27 recites:

" ...
developing the organic insulating layer to form a
protrusion and a spacer taller than the protrusion,
wherein the protrusion overlaps the black matrix
layer."

In this regard, the Examiner admitted "the cross-section shown in figure 18d does not show the protrusion 20 formed over the black matrix." (Office Action, page 3). However, the Examiner stated "Inoue discloses that when viewed from above (for example, see Figures 1, 3 and 6), the protrusion 20 crosses from one pixel to the next, thereby overlapping the black matrix provided between the pixels." (Office Action, page 3). This assertion is respectfully disagreed with.

MPEP indicates "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9

USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Thus, for a reference to anticipate a claim, (a) the reference must show an identical invention as complete detail as is contained in the, claim and (b) the elements of the reference must be arranged as required by the claim.

In this regard, as the Examiner admitted, the sixth embodiment shown in Figs. 18a to 18f of Inoue does not show "the protrusion overlaps the black matrix layer", as claimed. Also, the first embodiment shown in Fig. 1 of Inoue only shows a protrusion 20 but does not show any spacer. Similarly, the second embodiment shown in Fig. 3 and the third embodiment shown in Fig. 6 of Inoue show protrusions 20 but do not show any spacer.

Thus, none of the embodiments shown in Inoue shows an identical invention as complete detail as is contained in claim 27, and the elements of these embodiments are not arranged as required by claim 27. For these reasons, it is submitted that claim 27 is patentable over the cited reference. Claims 31, 32 and 37 are dependent from claim 27 and hence would also be patentable at least for the same reason. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §102(b) rejection of claims 27, 31, 32 and 37.

New Claims

Claims 49 and 50 are newly added to cover the certain features that are disclosed but not claimed. An adequate description and support for claim 49 are

provided in the specification, for example, page 17, lines 1-6. Applicant believes that claim 49 is patentable because Inoue fails to disclose the claimed ranges.

An adequate description and support for the claim 50 are provided in the specification, for example, Fig. 11 and its corresponding descriptive portion. Applicant believe that claim 50 is patentable because Inoue fails to disclose a black matrix comprising a first portion formed around the pixel region and a second portion formed within the pixel region and the protrusion overlapping the second portion of the black matrix layer.

Conclusion

Applicant believes that a full and complete response has been made to the Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully Submitted,



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